

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

RAYMOND MESSICK,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

No. 05-1259-CV-W-DW-SSA

**ORDER**

Defendant moves the Court, pursuant to 42 U.S.C. § 405(g), to reverse and remand the Commissioner's decision denying Plaintiff disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act (Doc. 10). Defendant states that the Appeals counsel has determined that remand is appropriate for further consideration of Plaintiff's claim. Specifically, Defendant requests reversal and remand to the Administrative Law Judge ("ALJ") to (1) give further consideration to Plaintiff's subjective complaints and his case worker's testimony in accordance with Social Security Ruling 96-7p; and (2) assess Plaintiff's past work, including a comparison of his residual functional capacity with the mental and physical demands of his past relevant work, as he performed it and as it is performed in the national economy.

Plaintiff objects to Defendant's motion (Doc. 11). Plaintiff argues that the ALJ's findings are not supported by substantial evidence and remand to reevaluate the evidence would be redundant and unnecessarily delay resolution of his claims.

After a review of the record, the Court agrees that the case should be remanded for the reasons articulated by Defendant. Moreover, the Court favors remanding this case in order to

expedite administrative review, ensure that the Commissioner properly considers Plaintiff's claim, and possibly make judicial review unnecessary. For these reasons, the Court grants Defendant's motion. Defendant has specifically agreed that the entry of the Court's judgment will begin the appeal period, which determines the 30-day period during which a timely application for attorney's fees may be filed. See Shalala v. Schaefer, 509 U.S. 292, 297-98 (1993).

Accordingly, Defendant's Motion to Reverse and Remand is hereby GRANTED and the Clerk of the Court is directed to enter final judgment pursuant to § 405(g) reversing and remanding the decision to the ALJ.

IT IS SO ORDERED.

Date: September 7, 2006

/s/ DEAN WHIPPLE  
Dean Whipple  
United States District Court